From: Neil B. McLaughlin <NMcLaughlin@rmmslegal.com>
Sent: Friday, May 3, 2024 10:01 AM
To: Laura Fairneny; Hillier, Drew Alan
Cc: QE - Samsung Bioepis; MYL_REG_IPR; 'Lora Green'; 'Franklin Chu'; 'rcerwinski@geminilaw.com'; 'azalcenstein@geminilaw.com'; 'bmorris@geminilaw.com'; Brausa, Adam R.; Durie, Daralyn J.; Davis, Kira A; Weires, Rebecca; Regeneron-MoFo-IPR; Wilk, Matthew M.; Cobb, Jeremy; Caine, David A.
Subject: RE: IPR2023-00884: Additional Discovery

[EXTERNAL EMAIL from nmclaughlin@rmmslegal.com]

Counsel:

Mylan and Biocon have no objection to the production of the requested materials set forth in Samsung's April 16 email.

Regards,
Neil

NEIL B. MCLAUGHLIN PH.D. | PARTNER
NMCLAUGHLIN@RMMSLEGAL.COM
DIRECT | 312.222.7241
OFFICE | 312.527.2157

20 YEAR ANNIVERSARY RMMS
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From: Neil B. McLaughlin
Sent: Thursday, May 2, 2024 1:31 PM
To: Laura Fairneny <laurafairneny@quinnemanuel.com>; Hillier, Drew Alan <DHillier@mofo.com>
Cc: QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>; MYL_REG_IPR <MYL_REG_IPR@rmmslegal.com>; 'Lora Green' <lgreen@geminilaw.com>; 'Franklin Chu' <fchu@geminilaw.com>; 'rcerwinski@geminilaw.com'

<rcerwinski@geminilaw.com>; 'azalcenstein@geminilaw.com' <azalcenstein@geminilaw.com>; 'bmorris@geminilaw.com' <bmorris@geminilaw.com>; Brausa, Adam R. <ABrausa@mofo.com>; Durie, Daralyn J. <DDurie@mofo.com>; Davis, Kira A <KiraDavis@mofo.com>; Weires, Rebecca <RWeires@mofo.com>; Regeneron-MoFo-IPR <Regeneron-MoFo-IPR@mofo.com>; Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>; Cobb, Jeremy <Jeremy.Cobb@arnoldporter.com>; Caine, David A. <David.Caine@arnoldporter.com>
Subject: RE: IPR2023-00884: Additional Discovery

Counsel:

Mylan is taking this request under advisement. Initially, based on the general descriptions provided, we do not believe that they contain any information designated confidential by Mylan. However, we have undertaken a review of those materials in order to confirm and will not be able to provide confirmation until that review is complete. Given the number of documents, and the length of many of the documents, we will need at least another day before we can provide that confirmation.

Thank you for your patience.

Regards,
Neil

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From: Laura Fairneny <laurafairneny@quinnemanuel.com>
Sent: Wednesday, May 1, 2024 8:15 PM
To: Hillier, Drew Alan <DHillier@mofo.com>
Cc: QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>; MYL_REG_IPR <MYL_REG_IPR@rmmslegal.com>; 'Lora Green' <lgreen@geminilaw.com>; 'Franklin Chu' <fchu@geminilaw.com>; 'rcerwinski@geminilaw.com' <rcerwinski@geminilaw.com>; 'azalcenstein@geminilaw.com' <azalcenstein@geminilaw.com>; 'bmorris@geminilaw.com' <bmorris@geminilaw.com>; Brausa, Adam R. <ABrausa@mofo.com>; Durie, Daralyn J. <DDurie@mofo.com>; Davis, Kira A <KiraDavis@mofo.com>; Weires, Rebecca <RWeires@mofo.com>; Regeneron-MoFo-IPR <Regeneron-MoFo-IPR@mofo.com>; Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>; Cobb, Jeremy <Jeremy.Cobb@arnoldporter.com>; Caine, David A. <David.Caine@arnoldporter.com>
Subject: RE: IPR2023-00884: Additional Discovery

Mylan counsel,

Per the below, Regeneron informed us on a meet and confer today that they will not produce any of the documents requested in my April 16 email below until Mylan confirms that there is no objection based on Mylan confidentiality issues. Although we do not understand how any of the requested information could possibly include Mylan confidential information, can you please confirm you have no objection?

Regards,
Laura

From: Laura Fairneny <laurafairneny@quinnemanuel.com>
Sent: Wednesday, May 1, 2024 9:13 PM
To: Hillier, Drew Alan <DHillier@mofo.com>
Cc: QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>; 'MYL_REG_IPR@rmmslegal.com' <MYL_REG_IPR@rmmslegal.com>; 'Lora Green' <lgreen@geminilaw.com>; 'Franklin Chu' <fchu@geminilaw.com>; 'rcerwinski@geminilaw.com' <rcerwinski@geminilaw.com>; 'azalcenstein@geminilaw.com' <azalcenstein@geminilaw.com>; 'bmorris@geminilaw.com' <bmorris@geminilaw.com>; Brausa, Adam R. <ABrausa@mofo.com>; Durie, Daralyn J. <DDurie@mofo.com>; Davis, Kira A <KiraDavis@mofo.com>; Weires, Rebecca <RWeires@mofo.com>; Regeneron-MoFo-IPR <Regeneron-MoFo-IPR@mofo.com>; Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>; Cobb, Jeremy <Jeremy.Cobb@arnoldporter.com>; Caine, David A. <David.Caine@arnoldporter.com>
Subject: RE: IPR2023-00884: Additional Discovery

Drew,

I appreciate the meet and confer earlier today and write to respond to the requests you made during our discussion.

First, we will confirm with Mylan that it does not object to the requested production. As explained on the call, we do not understand why this step is necessary given that the requested materials relate to Regeneron's fact witnesses and documents, but we will nevertheless make this request of Mylan in the interest of reaching agreement on these issues.

Second, SB agrees not to seek any additional deposition of Dr. Yancopoulos or Ms. Chu based on the production of the additional discovery assuming Regeneron does not submit any further declaration from these witnesses.

Third, SB agrees that documents produced on an Outside Counsel's Eyes Only basis in the Mylan Litigation can be designated as Outside Counsel Eye's Only in this IPR.

Finally, we do not agree to allow Regeneron to redact the requested materials for relevance before production. As explained on the call, it's not clear how Regeneron would be able to determine what is relevant versus what is not, and performing the redactions only requires more burden and delay in producing the materials.

As discussed on the call, we need to resolve whether the parties can reach an agreement or are at an impasse by tomorrow. Please let me know your availability to meet and confer between 11:00 am to 5:00 pm ET.

Regards,
Laura

From: Hillier, Drew Alan <DHillier@mofo.com>
Sent: Tuesday, April 30, 2024 11:12 AM
To: Laura Fairneny <laurafairneny@quinnemanuel.com>
Cc: QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>; 'MYL_REG_IPR@rmmslegal.com'

<MYL_REG_IPR@rmmslegal.com>; 'Lora Green' <lgreen@geminilaw.com>; 'Franklin Chu' <fchu@geminilaw.com>; 'rcerwinski@geminilaw.com' <rcerwinski@geminilaw.com>; 'azalcenstein@geminilaw.com' <azalcenstein@geminilaw.com>; 'bmorris@geminilaw.com' <bmorris@geminilaw.com>; Brausa, Adam R. <ABrausa@mofo.com>; Durie, Daralyn J. <DDurie@mofo.com>; Davis, Kira A <KiraDavis@mofo.com>; Weires, Rebecca <RWeires@mofo.com>; Regeneron-MoFo-IPR <Regeneron-MoFo-IPR@mofo.com>; Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>; Cobb, Jeremy <Jeremy.Cobb@arnoldporter.com>; Caine, David A. <David.Caine@arnoldporter.com>
Subject: RE: IPR2023-00884: Additional Discovery

[EXTERNAL EMAIL from dhillier@mofo.com]

Laura,

Thank you for the email. Before we have a call, as previously requested, please identify the specific transcript testimony that Samsung believes justifies this discovery request and explain the alleged relevance of the exhibits. We need this information so that we have a meaningful call. We are available May 1 or May 2 at 2:00 p.m. PT.

Samsung was undoubtedly aware of the requested documents before the depositions in this proceeding of Dr. Yancopoulos and Ms. Chu. The subject of Dr. Yancopoulos's and Ms. Chu's testimony was also apparent in their declarations which were filed some time ago. If Samsung wanted to examine whether past statements were consistent, Samsung should have asked the witnesses about those statements at their depositions. Therefore, it is not clear to us why Samsung waited until after the depositions to request these materials.

We will serve a higher-resolution printout of the PowerPoint presentation previously filed as Ex. 2007and a version of Ex. 2011 without a trial exhibit stamp that had obscured some text on the cover page.

Best,

Drew

Drew Alan Hillier
Associate
DHillier@mofo.com
T +1 (858) 314-7711
M +1 (858) 252-5131

MORRISON FOERSTER

From: Laura Fairneny <laurafairneny@quinnemanuel.com>
Sent: Friday, April 26, 2024 2:02 PM
To: Hillier, Drew Alan <DHillier@mofo.com>
Cc: QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>; 'MYL_REG_IPR@rmmslegal.com' <MYL_REG_IPR@rmmslegal.com>; 'Lora Green' <lgreen@geminilaw.com>; 'Franklin Chu' <fchu@geminilaw.com>; 'rcerwinski@geminilaw.com' <rcerwinski@geminilaw.com>; 'azalcenstein@geminilaw.com' <azalcenstein@geminilaw.com>; 'bmorris@geminilaw.com' <bmorris@geminilaw.com>; Brausa, Adam R. <ABrausa@mofo.com>; Durie, Daralyn J. <DDurie@mofo.com>; Davis, Kira A <KiraDavis@mofo.com>; Weires, Rebecca <RWeires@mofo.com>; Regeneron-MoFo-IPR <Regeneron-MoFo-IPR@mofo.com>; Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>; Cobb, Jeremy <Jeremy.Cobb@arnoldporter.com>; Caine, David A. <David.Caine@arnoldporter.com>
Subject: RE: IPR2023-00884: Additional Discovery

External Email

Drew,

Upon review of the trial transcript in the Mylan Litigation and the available deposition designations at that same trial from Ms. Chu, it appears that Dr. Yancopoulos and Ms. Chu provided testimony in the Mylan Litigation on subject matter that is substantially similar to their depositions in this IPR. SB should be allowed to examine Dr. Yancopoulos's and Ms. Chu's prior testimony in the Mylan Litigation for consistency with their IPR declarations and testimony. The exhibits cited in that prior testimony are necessary for us to fully evaluate and effectively use any statements therein.

As to Exhibits 2007 and 2011, at his deposition, Dr. Yancopoulos testified that there appeared to be information missing or obscured in both exhibits. *See* Yancopoulos Dep. Tr. at 16:13-17:3, 227:23-228:10.

We are available to meet and confer on Monday from 2-5pm ET or on Tuesday from 10am-2pm ET.

Regards,
Laura

From: Hillier, Drew Alan <DHillier@mofo.com>
Sent: Thursday, April 25, 2024 5:01 PM
To: Laura Fairneny <laurafairneny@quinnemanuel.com>
Cc: QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>; 'MYL_REG_IPR@rmmslegal.com' <MYL_REG_IPR@rmmslegal.com>; 'Lora Green' <lgreen@geminilaw.com>; 'Franklin Chu' <fchu@geminilaw.com>; 'rcerwinski@geminilaw.com' <rcerwinski@geminilaw.com>; 'azalcenstein@geminilaw.com' <azalcenstein@geminilaw.com>; 'bmorris@geminilaw.com' <bmorris@geminilaw.com>; Brausa, Adam R. <ABrausa@mofo.com>; Durie, Daralyn J. <DDurie@mofo.com>; Davis, Kira A <KiraDavis@mofo.com>; Weires, Rebecca <RWeires@mofo.com>; Regeneron-MoFo-IPR <Regeneron-MoFo-IPR@mofo.com>; Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>; Cobb, Jeremy <Jeremy.Cobb@arnoldporter.com>; Caine, David A. <David.Caine@arnoldporter.com>
Subject: RE: IPR2023-00884: Additional Discovery

[EXTERNAL EMAIL from dhillier@mofo.com]

Laura,

We are looking into providing higher-resolution copies of Exhibits 2007 and 2011, although we are not aware of any "missing" information.

Regarding "the collaboration agreement between Bayer and Regeneron," we believe copies are equally available to Samsung at SEC.gov.

Regeneron would like to meet and confer to understand the remainder of Samsung's request. Before we schedule a call, please identify the specific testimony in the depositions of Karen Chu and George Yancopoulos on which Samsung is relying to attempt to justify the additional discovery. For each requested exhibit, please explain the alleged relevance so that we can have a meaningful meet and confer.

Sincerely,

Drew

Drew Alan Hillier
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T +1 (858) 314-7711
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MORRISON FOERSTER

From: Laura Fairneny <laurafairneny@quinnemanuel.com>
Sent: Tuesday, April 16, 2024 1:41 PM
To: Brausa, Adam R. <ABrausa@mofo.com>; Durie, Daralyn J. <DDurie@mofo.com>; Davis, Kira A <KiraDavis@mofo.com>; Weires, Rebecca <RWeires@mofo.com>; Regeneron-MoFo-IPR <Regeneron-MoFo-IPR@mofo.com>; Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>; Cobb, Jeremy <Jeremy.Cobb@arnoldporter.com>; Caine, David A. <David.Caine@arnoldporter.com>
Cc: QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>; 'MYL_REG_IPR@rmmslegal.com' <MYL_REG_IPR@rmmslegal.com>; 'Lora Green' <lgreen@geminilaw.com>; 'Franklin Chu' <fchu@geminilaw.com>; 'rcerwinski@geminilaw.com' <rcerwinski@geminilaw.com>; 'azalcenstein@geminilaw.com' <azalcenstein@geminilaw.com>; 'bmorris@geminilaw.com' <bmorris@geminilaw.com>
Subject: IPR2023-00884: Additional Discovery

External Email

Counsel,

Based on the recent depositions of Karen Chu and George Yancopoulos in this proceeding, Petitioner requests the following limited additional discovery pursuant to 37 C.F.R. § 42.51(b)(2):

1. The deposition transcript of Karen Chu from *Regeneron Pharmaceuticals, Inc. v. Mylan Pharmaceuticals, Inc.*, Case No. 22-cv-61-TSK (N.D.W. Va.) ("Mylan Litigation") and all exhibits thereto;
2. The deposition transcript of George Yancopoulos from the Mylan Litigation and all exhibits thereto;
3. The trial exhibits from the Mylan Litigation cited in the trial testimony of Karen Chu and/or George Yancopoulos, including: PTX 0001, PTX 0003, PTX 0080, PTX 0188, PTX 0304, PTX 0311, PTX 0491, PTX 0686, PTX 0932, PTX 1028C, PTX 1170, PTX 3131, PTX 3133, PTX 3150, PTX 3151, PTX 3167, PTX 3168, PTX 3187, PTX 3188, PTX 3216, PTX 3332, PTX 3333, PDX 1-1, PDX 1-2, PDX 3.001, PDX 3.002, PDX 3.004, PDX 3-0311-B, PDX 932-C, DTX 0019, DTX 0212, DTX 0216, DTX 0227, DTX 0228, DTX 0902, DTX 0913, DTX 0915, DTX 0916, DTX 2053, DTX 2053A, DTX 2730, DTX 2745, DTX 3196, DTX 4070, DTX 4957, DTX 5073, DTX 5082, DTX 5385, DTX 7001, DTX 7212, DTX 7272, DTX 8127, DTX 8180, DTX 8190, DTX 9002, DTX 9003, DTX 9005, DTX 9006;

4. The following trial exhibits from the Mylan Litigation cited in the Court's Memorandum Opinion and Order Following Bench Trial (ECF No. 692 in the Mylan Litigation): DTX 0213, DTX 0220, DTX 0222, DTX 0226, DTX 0229, DTX 0230, DTX 0232, DTX 0234;
5. The collaboration agreement between Bayer and Regeneron, and any amendments thereto; and
6. Corrected copies of Exs. 2007 and 2011 that includes missing text and figures (*see, e.g.*, Ex. 2007 at pp. 39, 48 and Ex. 2011 at p. 1).

Please let us know if Patent Owner agrees to make this limited production of requested documents.

Regards,

Laura Fairneny
Partner
quinn emanuel urquhart & sullivan, llp

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